

UNITED STATES DEPARTMENT OF AGRICULTURE 2012 APR 26 PM 4:15

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:

American Airlines, Inc.

Respondent.

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P.Q. Docket No. 12-0393  
A.Q. Docket No. 12-0393

COMPLAINT

There is reason to believe that the Respondent has willfully violated the Plant Protection Act, as amended (7 U.S.C. §§ 7701 et seq.)(the PPA), the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) (the AHPA) (collectively, the Acts) and the regulations promulgated thereunder. This complaint, issued under the Rules of Practice applicable to this proceeding (7 C.F.R. §§ 1.130 et seq. and 7 C.F.R. §§ 380.1 et seq.), seeks civil penalties as authorized by section 424(b) of the PPA (7 U.S.C. § 7734(b) and (c)) and section 10414(b) of the AHPA (7 U.S.C. § 8313(b)), and alleges the following:

I.

1. American Airlines, Inc., hereinafter referred to as Respondent, is a business maintaining its corporate headquarters at 4333 Amon Carter Blvd., MD 5675, Fort Worth, Texas, 76155. Respondent is both an air cargo airline carrier, doing business as the American Airlines Cargo division of American Airlines, Inc. and a passenger carrier. Respondent provides services to approximately 250 cities in over 40 countries around the world.

II.

2. On or about April 1, 2007, Respondent violated 7 C.F.R. § 330.400(a)(2) and § 330.401(b) and (d); and 9 C.F.R. § 94.5 of the regulations by failing to properly handle and dispose of foreign regulated garbage entering on an aircraft into the United States at the Miami, Florida port of entry.

III.

3. On or about April 10, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Miami, Florida port of entry into the United States, one (1) box of fresh cut flowers from Costa Rica, without the required inspection and authorization for entry into the United States.
4. On or about April 10, 2007, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Miami, Florida port of entry into the United States, one (1) box of fresh cut flowers from Costa Rica, prior to being released or authorized for further movement by an authorized inspector.

IV.

5. On or about May 14, 2007, Respondent violated 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the New York, New York port of entry into the United States, one (1) shipment manifested as "chicken eggs" imported from the United Kingdom, without the required authorization for entry into the United States.

V.

6. On or about May 22, 2007, Respondent violated 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Miami, Florida port of entry into the United

States, forty-nine (49) boxes of fresh cheese imported from Quito, Ecuador, without the required authorization for entry into the United States.

VI.

7. On or about June 23, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Miami, Florida port of entry into the United States, two (2) boxes of fresh cut flowers from the Netherlands without the required authorization for entry into the United States.
8. On or about June 23, 2007, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Miami, Florida port of entry into the United States, two (2) boxes of fresh cut flowers from the Netherlands prior to being released or authorized for further movement by an authorized inspector.
9. On or about June 23, 2007, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Miami, Florida port of entry into the United States, two (2) boxes of fresh cut flowers from the Netherlands identified as containing actionable pests, *Mollusca spp.*, without the required authorization and permit for entry into the United States.

VII.

10. On or about July 30, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Miami, Florida port of entry into the United States, four (4) boxes of fresh cut flowers from the Netherlands, without the required authorization for entry into the United States.

11. On or about July 30, 2007, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Miami, Florida port of entry into the United States, four (4) boxes of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.
12. On or about July 30, 2007, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Miami, Florida port of entry into the United States, four (4) boxes of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Miridae spp.*, without the required authorization and permit for entry into the United States.

#### VIII.

13. On or about August 23 - 24, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Los Angeles, California port of entry into the United States, twenty (20) boxes of fresh yellow vine tomatoes from the Netherlands, without the required inspection and authorization for entry into the United States.
14. On or about August 23 - 24, 2007, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Los Angeles, California port of entry into the United States, twenty (20) boxes of fresh yellow vine tomatoes from the Netherlands identified as containing actionable pests, *Miridae spp.*, without the required authorization and permit for entry into the United States.

IX.

15. On or about September 13, 2007, Respondent violated 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Los Angeles, California port of entry into the United States, one (1) container manifested as "Guinea Pig Plasma" imported from the United Kingdom, without the required authorization for entry into the United States.

X.

16. On or about September 17, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Los Angeles, California port of entry into the United States, one (1) shipment manifested as "Handicraft Wooden" from El Salvador, without the required inspection and authorization for entry into the United States.

XI.

17. On or about September 17, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Los Angeles, California port of entry into the United States, one (1) shipment manifested as "Diagnostic Regents" from South Korea, without the required inspection and authorization for entry into the United States.

XII.

18. On or about September 27, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Miami, Florida port of entry into the United States, two (2) boxes of fresh cut flowers from Columbia, without the required inspection and authorization for entry into the United States.



19. On or about September 27, 2007, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Miami, Florida port of entry into the United States, two (2) boxes of fresh cut flowers from Columbia, prior to being released or authorized for further movement by an authorized inspector.

XIII.

20. On or about October 1, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Los Angeles, California port of entry into the United States, three (3) boxes manifested as "Norgestrel and Levonor" from China, without the required inspection and authorization for entry into the United States.

XIV.

21. On or about November 1, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Miami, Florida port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.

22. On or about November 1, 2007, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Miami, Florida port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.

23. On or about November 1, 2007, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Miami, Florida port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Achillea spp.*, without the required authorization and permit for entry into the United States.

XV.

24. On or about December 3, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Chicago, Illinois port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.

25. On or about December 3, 2007, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Chicago, Illinois port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.

26. On or about December 3, 2007, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Chicago, Illinois port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Noctuidae spp.*, without the required authorization and permit for entry into the United States.

XVI.

27. On or about December 3, 2007, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Chicago, Illinois port of entry into the United States, thirteen (13) boxes of fresh cut flowers from Kenya, without the required inspection and authorization for entry into the United States.

28. On or about December 3, 2007, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Chicago, Illinois port of entry into the United States, thirteen (13) boxes of fresh cut flowers from Kenya, prior to being released or authorized for further movement by an authorized inspector.

XVII.

29. On or about January 12, 2008, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Los Angeles, California port of entry into the United States, three (3) boxes manifested as "Packing Material" from the Netherlands, without the required inspection and authorization for entry into the United States.

XVIII.

30. On or about January 13, 2008, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Los Angeles, California port of entry into the United States, nine (9) boxes manifested as "Mixed Vegetables Bag" from China, without the required inspection and authorization for entry into the United States.

XIX.

31. On or about February 29, 2008, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Los Angeles, California port of entry into the United States,



one (1) box manifested as "Pharmaceuticals" from England, without the required inspection and authorization for entry into the United States.

XX.

32. On or about May 22, 2008, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Dallas-Fort Worth, Texas port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.

33. On or about May 22, 2008, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Dallas-Fort Worth, Texas port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, prior to being released or authorized further movement by an authorized inspector.

34. On or about May 22, 2008, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Dallas-Fort Worth, Texas port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Tetranychus spp.*, without the required authorization and permit for entry into the United States.

XXI.

35. On or about June 8, 2008, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Miami, Florida port of entry into the United States, five (5) boxes of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.

36. On or about June 8, 2008, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Miami, Florida port of entry into the United States, five (5) boxes of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.

37. On or about June 8, 2008, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Miami, Florida port of entry into the United States, five (5) boxes of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Arhyssus spp.*, without the required authorization and permit for entry into the United States.

## XXII.

38. On or about June 19, 2008, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Los Angeles, California port of entry into the United States, sixty-eight (68) boxes of fresh vegetables from the Netherlands, without the required inspection and authorization for entry into the United States.

## XXIII.

39. On or about February 29, 2008, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Los Angeles, California port of entry into the United States, three (3) boxes manifested as "Personal Effects" from Saudi Arabia, without the required inspection and authorization for entry into the United States.

XXIV.

40. On or about March 25, 2009, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Chicago, Illinois port of entry into the United States, one (1) box of fresh cut flowers from London, England, without the required inspection and authorization for entry into the United States.
41. On or about March 25, 2009, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Chicago, Illinois port of entry into the United States, one (1) box of fresh cut flowers from London, England, prior to being released or authorized for further movement by an authorized inspector.
42. On or about March 25, 2009, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Chicago, Illinois port of entry into the United States, one (1) box of fresh cut flowers from London, England, identified as containing actionable pests, *Lepidoptera spp.* and *Noctuidae spp.*, without the required authorization and permit for entry into the United States.

XXV.

43. On or about May 5, 2009, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Miami, Florida port of entry into the United States, two (2) packages manifested as "Pharmaceuticals" imported from Great Britain, without the required inspection and authorization for entry into the United States.

XXVI.

44. On or about May 9, 2009, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the New York, New York port of entry into the United States, twenty-two (22) boxes of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.

45. On or about May 9, 2009, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the New York, New York port of entry into the United States, twenty-two (22) boxes of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.

XXVII.

46. On or about June 12, 2009, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Boston, Massachusetts port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.

47. On or about June 12, 2009, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Boston, Massachusetts port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.

48. On or about June 12, 2009, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Boston, Massachusetts port of entry into

the United States, one (1) box of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Noctuidae spp.*, without the required authorization and permit for entry into the United States.

XXVIII.

49. On or about July 17, 2009, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Boston, Massachusetts port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.
50. On or about July 17, 2009, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Boston, Massachusetts port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.
51. On or about July 17, 2009, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Boston, Massachusetts port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Miridae spp.*, without the required authorization and permit for entry into the United States.

XXIX.

52. On or about August 9, 2009, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the New York, New York port of entry into the United States, one hundred (100) boxes of fresh vegetables from the Dominican



Republic, without the required inspection and authorization for entry into the United States.

XXX.

53. On or about October 21, 2009, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Miami, Florida port of entry into the United States, one (1) pallet manifested as "Raw Material Not DGR" imported from France, without the required inspection and authorization for entry into the United States.

XXXI.

54. On or about March 14, 2010, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Miami, Florida port of entry into the United States, nine (9) packages manifested as "CLINICAL TRIALS MEDICATION HERSEPTIN 9 @ 67 x 50 x 60 CMS" imported from France, without the required inspection and authorization for entry into the United States.

XXXII.

55. On or about April 5, 2010, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Los Angeles, California port of entry into the United States, one (1) shipment manifested as "unrooted cuttings" from El Salvador, without the required inspection and authorization for entry into the United States.

XXXIII.

56. On or about November 20, 2010, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Dallas, Texas port of entry into the

United States, thirteen (13) boxes of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.

57. On or about November 20, 2010, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Dallas, Texas port of entry into the United States, thirteen (13) boxes of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.

58. On or about November 20, 2010, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Dallas, Texas port of entry into the United States, thirteen (13) boxes of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Tortricinae spp.*, *Contarinia spp.* and *Thripidae spp.*, without the required authorization and permit for entry into the United States.

#### XXXIV.

59. On or about November 20, 2010, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Dallas, Texas port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, without the required inspection and authorization for entry into the United States.

60. On or about November 20, 2010, Respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to make available, and removing from the Dallas, Texas port of

entry into the United States, one (1) box of fresh cut flowers from the Netherlands, prior to being released or authorized for further movement by an authorized inspector.

61. On or about November 20, 2010, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Dallas, Texas port of entry into the United States, one (1) box of fresh cut flowers from the Netherlands, identified as containing actionable pests, *Noctuidae spp.* and *Thripidae spp.*, without the required authorization and permit for entry into the United States.

XXXV.

62. On or about May 8, 2011, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. §8307(b)(1) of the AHPA by moving from the Los Angeles, California port of entry into the United States, one (1) shipment manifested as “Biological Substance” imported from Russia, without the required inspection and authorization for entry into the United States.

XXXVI.

63. On or about July 13, 2011, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. §8307(b)(1) of the AHPA by moving from the Miami, Florida port of entry into the United States, one (1) shipment manifested as “Frozen Food” imported from Mexico, without the required inspection and authorization for entry into the United States.

XXXVII.

64. On or about July 19, 2011, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA and 7 U.S.C. § 8303(a)(1) and 7 U.S.C. §8307(b)(1) of the AHPA

by moving from the Los Angeles, California port of entry into the United States, one (1) shipment manifested as "Personal Effects" imported from Pakistan, without the required inspection and authorization for entry into the United States.

XXXVIII.

65. On or about August 12, 2011, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Los Angeles, California port of entry into the United States, one (1) shipment manifested as "Bearings" imported from China, without the required inspection and authorization for entry into the United States.

XXXIX.

66. On or about August 19, 2011, Respondent violated 7 U.S.C. § 8303(a)(1) and 7 U.S.C. § 8307(b)(1) of the AHPA by moving from the Los Angeles, California port of entry into the United States, one (1) shipment manifested as "Bone Marrow" imported from Germany, without the required inspection and authorization for entry into the United States.

XXXX.

67. On or about September 23, 2011, Respondent violated 7 U.S.C. § 7713(c)(1) and 7 U.S.C. § 7731(b)(1) of the PPA by moving from the Miami, Florida port of entry into the United States, one (1) shipment manifested as "Rambutan Hawaiian" from Honduras, without the required inspection and authorization for entry into the United States.

68. On or about September 23, 2011, Respondent violated 7 U.S.C. § 7712 of the PPA and 7 C.F.R. § 330.200 of the regulations by moving from the Miami, Florida port of entry into the United States, one (1) shipment manifested as "Rambutan Hawaiian" from Honduras

identified as containing actionable pests, *Pseudococcidae spp.*, without the required authorization and permit for entry into the United States.

XXXXI.

By reason of the facts alleged herein, Respondent has violated the Acts and specified regulations promulgated thereunder.

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has, in fact, violated the Acts and regulations promulgated thereunder, this complaint shall be served upon the respondent. Respondent shall have twenty (20) days after service of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, South Building Room 1031, Washington, D.C. 20250-9202, in accordance with the applicable Rules of Practice (7 C.F.R. § 380.1 et seq. and 7 C.F.R. § 1.136). Failure to deny or otherwise respond to any allegation in this complaint shall constitute an admission of the allegation. Failure to file an answer within the prescribed time shall constitute an admission of the allegations in this complaint and a waiver of hearing.

The Animal and Plant Health Inspection Service requests:


1. That unless Respondent fails to file an answer within the prescribed time, or files an answer admitting all the material allegations of the complaint, or enters into a consent decision as provided in section 1.138 of the Rules of Practice (7 C.F.R. § 1.138), this proceeding be set down for oral hearing in conformity with the rules of practice; and



2. That an order be issued assessing civil penalties against Respondent in accordance with the Acts and as warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 18<sup>th</sup> day of April, 2012

  
*Acting* Administrator, Animal and Plant  
Health Inspection Service

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